## REMARKS

In response to the above-identified Final Office Action, Applicant seeks reconsideration and withdrawal of Examiner's rejection of the claims in view of the following remarks and amendments. In this response, claims 1-6, 8, 9, 16, 19, 23-26, and 28 are amended. Claims 22 and 27 are canceled. Claims 29-31 are added. Applicant respectfully submits that claims 29-31 are supported in paragraphs [0019] and [0020] of the Specification. Thus, claims 1-6, 8-10, 16-21, 23-26, and 28-31 are pending in the instant application.

## I.    Claim Rejections Under 35 U.S.C. § 112

Claims 9, 25, and 28 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Examiner stated on page 17 of the Final Office Action that according to MPEP § 2173.05(d) and § 2106.II(C), "the phrase 'if' or 'may be' renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention." Applicant respectfully disagrees and traverses Examiner's rejection as discussed below.

As an initial matter, the term "may be" is not recited in claims 9, 25, and 28. Therefore, Applicant is assuming that Examiner's rejection is based solely on the term "if" recited in these claims. Further, MPEP § 2173.05(d) discusses exemplary claim language, such as the terms "for example" and "such as" that are clearly not found in these claims. The term "if" as recited in these claims is not exemplary language because "if" is not a "description of examples or preferences" as stated in MPEP § 2173.05(d). Therefore, the rejection based on MPEP § 2173.05(d) is inappropriate.

Moreover, in regard to MPEP § 2106.II(C) relied upon by Examiner, Examiner is mischaracterizing a *conditional term*, such as the term "if," as being "[l]anguage that suggests or makes optional but does not require steps to be performed." In other words, the conditional term "if" does not, by itself, make the steps of a claim optionally performed. In fact, the limitations of these claims are *positive limitations* that define features of the present invention. Thus, Applicant respectfully requests that Examiner clarify the rejection of these claims based on

MPEP § 2106.II(C) if Examiner maintains this rejection. Accordingly, for the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 9, 25, and 28 under 35 U.S.C. § 112, second paragraph.


## II.  Claim Rejections Under 35 U.S.C. § 103

Claims 1-2, 6, 8-10, 16-19, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,366,915 issued to Rubert et al. ("Rubert") in view of U.S. Patent No. 6,564,261 issued to Gudjonsson et al ("Gudjonsson"). To establish a *prima facie* case of obviousness, Examiner must show that the cited references, combined, teach or suggest each of the elements of a claim.

In regard to claim 1, this claim has been amended to include the limitation of "a configuration module representing configuration information of a node within a clustered system, the configuration module comprising any one of a binary file, the binary file to map a key name to a set of data, a sub-configuration entry comprising an object of the node, or a name-value pair, the name-value pair to map a key name to an object." Applicant respectfully submits that this limitation is supported in paragraphs [0022] and [0026] of the Specification.

Rubert fails to disclose the cited limitation of amended claim 1. Examiner has not cited and Applicant is unable to discern any part of Rubert that discloses the cited limitation of amended claim 1. Instead, Rubert discloses a query execution system that presents a user with selectable queries. Rubert, column 4, lines 40-46. These queries may contain modifiable parameters that the user can change before requesting query execution. Rubert, column 6, lines 2-4. Rubert does not disclose "a configuration module" that comprises "a binary file" or "a sub-configuration entry" or "a name-value pair" *in addition to* "a property sheet data structure" of claim 1. Therefore, the query execution system with user modifiable parameters of Rubert does not disclose the cited limitation of amended claim 1. Thus, for at least these reasons, Rubert fails to teach or suggest each element of claim 1.

Further, Gudjonsson fails to disclose missing elements of amended claim 1 from Rubert. Examiner has not cited and Applicant is unable to discern any part of Rubert that discloses the cited limitation of amended claim 1. Instead, the section of Gudjonsson relied upon by Examiner

discloses an administrative tool that is responsible for notifying affected components in a cluster of changes to settings. Gudjonsson, column 18, lines 24-27. Gudjonsson further discloses that the settings for each component are stored in a DB, but fails to disclose any discernable feature of these settings. Gudjonsson, column 32, lines 49-51. Therefore, the only salient feature of these settings is their association with components in a cluster. Thus, for at least these reasons, Gudjonsson fails to teach or suggest each element of claim 1.

As discussed above, Rubert and Gudjonsson, combined, fail to teach or suggest each element of claim 1. Therefore, Examiner has failed to establish a *prima facie* case of obviousness for claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claim 1.

Claim 2 depends from claim 1 and incorporates the limitations thereof. Hence, for at least the reasons discussed above, a combination of Rubert and Gudjonsson fails to teach or suggest each element of these claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claim 2.

In regard to claim 6, this claim has been amended to include "*replacing* the component contained within the clustered system; and automatically updating the default parameters included in the property sheet with a different default parameter with a corresponding property of a replacement component in response to *replacing* the component" (emphasis added). Examiner has not cited and Applicant is unable to discern where in Rubert that these limitations are disclosed. Thus, Rubert fails to disclose each element of claim 6.

Further, Gudjonsson does not disclose missing elements of claim 6 from Rubert. Instead, the portion of Gudjonsson relied upon by Examiner teaches an administrative tool that notifies components in a cluster of *changes to settings*. Gudjonsson, column 18, lines 24-28. However, merely *changing the settings* of a component does not result in "*replacing the component contained within the clustered system*" (emphasis added) of claim 6. Thus, Gudjonsson fails to teach or suggest each element of claim 6. Therefore, a combination of Rubert and Gudjonsson fails to teach or suggest each element of claim 6. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claim 6.

In regard to claims 8-10, these claims depend from claim 6 and incorporate the limitations thereof. Hence, for at least the reasons discussed above, a combination of Rubert and Gudjonsson fails to teach or suggest each element of these claims. Further, in regard to claim 9, as discussed above, this claim is believed to comply with 35 U.S.C. § 112, second paragraph. Therefore, the limitations recited in this claim are not optionally recited limitations contrary to Examiner's assertion and these limitations must be taught or suggested by the references to establish a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claims 8-10.

In regard to claim 16, this claim has been amended to include similar limitations to those disclosed in claim 1. Therefore, for at least the reasons discussed above pertaining to claim 1, the limitations of amended claim 16 are not disclosed by Rubert in view of Gudjonsson. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claim 16.

In regard to claims 17 and 18, these claims depend from claim 16 and incorporate the limitations thereof. Hence, for at least the reasons discussed above, a combination of Rubert and Gudjonsson fails to teach or suggest each element of these claims. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claims 17 and 18.

In regard to claim 19, this claim has been amended to include the limitation of "means for selectively updating the parameters included in the property sheet *in response to replacing a component*" (emphasis added). As discussed previously, Rubert discloses that *a user may change parameters* of a selected query, not "in response to *replacing a component*" (emphasis added) as disclosed in claim 19. Therefore, Rubert fails to teach or suggest each element of claim 19. Further, as discussed previously, Gudjonsson discloses that settings of a component are saved to a DB, but not "in response to *replacing a component*" as disclosed in claim 19. Hence, Gudjonsson fails to teach or suggest each element of claim 19. Therefore, a combination of Rubert and Gudjonsson fails to teach or suggest each element of claim 19.

Further, in anticipation that Examiner will cite to U.S. Patent Application No. 2005/0114315 issued to Tanner et al. ("Tanner"), Applicant respectfully submits that Tanner fails

to disclose the cited limitation of claim 19. Tanner teaches a multi-row edit function for changing a data item appearing in multiple rows *through a user operation*, not "in response to *replacing a component*" as recited in claim 19. Tanner, paragraphs [0065] and [0066]. Therefore, Tanner fails to cure the missing elements of claim 19 from Rubert and Gudjonsson.

Thus, for at least the reasons discussed above, a combination of Rubert, Gudjonsson, and Tanner fails to teach or suggest each element of claim 19. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claim 19.

In regard to claim 26, this claim has been amended to include the limitation of "selectively updating the parameters includes in the property sheet data structure *in response to replacing of a component*" (emphasis added). Claim 26 includes similar limitations to those recited in claim 19, and those previous arguments pertaining to claim 19 apply to claim 26. Hence, for at least these reasons, a combination of Rubert, Gudjonsson, and Tanner fails to teach or suggest each element of claim 26. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claim 26.

Claims 3-5, 20-25, 27 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rubert in view of Tanner. To establish a *prima facie* case of obviousness, Examiner must show that the cited references, combined, teach or suggest each of the elements of a claim.

In regard to claims 3-5, these claims depend from claim 1 and incorporate the limitations thereof. As discussed above, Rubert fails to disclose the limitation of "a configuration module representing configuration information of a node within a clustered system, the configuration module comprising any one of a binary file, the binary file to map a key name to a set of data, a sub-configuration entry comprising an object of the node, or a name-value pair, the name-value pair to map a key name to an object" of claim 1. Applicant respectfully submits that Tanner further fails to teach this limitation. Examiner has not cited and Applicant has not discerned any part of Tanner that discloses this limitation. Therefore, Applicant respectfully requests Examiner to particularly point out where within Tanner that these elements are taught if Examiner chooses to rely on the reference in rejecting these claims. Thus, for at least the reasons discussed in regard to claim 1, Rubert and Tanner, combined, fail to teach or suggest each element of claims

3-5. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 3-5 under 35 U.S.C. § 103 (a) over Rubert in view of Tanner.

In regard to claims 20, 21, 23-25, 27, and 28 these claims depend from claims 19 and 26 and incorporate the limitations thereof. Claims 22 and 27 have been canceled and Examiner's rejection of these claims is moot. For at least the reasons previously discussed in regard to claims 19 and 26, these claims are not anticipated by Rubert in view of Tanner. Further, in regard to claims 25 and 28, as discussed above, these claims are believed to comply with 35 U.S.C. § 112, second paragraph. Therefore, the limitations recited in claims 25 and 28 are not optionally recited limitations contrary to Examiner's assertion and these limitations must be taught or suggested by the references to establish a *prima facie* case of obviousness. Since each of the elements of claims 20, 21, 23-25, and 28 are not found within the cited references, combined, a *prima facie* case of obviousness may not be established. Thus, Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of claims 20, 21, 23-25, and 28.

## III.     Claims 29-31 Are Allowable Over The Prior Art Of Record

In regard to newly added claims 29-31, these claims are allowable over the prior art of record for at least the reasons mentioned above in regard to the cited references. In particular, "a central storage node, the central storage node including a configuration data structure, the configuration data structure comprising a global configuration module and a sub-cluster configuration module" of claim 29 is not taught or suggested by the cited references. Further, claims 30 and 31 depend from claim 29 and incorporate the limitations thereof and are not taught or suggested by the cited references. Accordingly, Applicant respectfully submits that these claims are in condition for allowance and such action is earnestly solicited at the earliest possible date.

## CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-6, 8-10, 16-21, 23-26, and 28-31, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

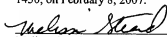BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: 2/8, 2007

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**CERTIFICATE OF MAILING:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 8, 2007.

Melissa Stead                    February 8, 2007